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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,966	04/14/2000	Randolph Michael Forlenza	AUS000072US1	9041

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05/26/2005

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EXAMINER
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PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/549,966

Applicant(s)

FORLENZA ET AL.

Examiner

HUNG Q. PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6, 13 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 13 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 01/18/2005 have been fully considered but they are not persuasive.

- As argued by applicants at page 1:

*As amended, independent Claims 6 (and similarly claims 13 and 20) in the present application recites:*

*... during installation of a communications program subsequent to setting access controls for each communications program within the data processing system as a function of the content label categories and associated user restrictions, checking for existing access control settings for other communications programs and setting access controls for the communications program being installed utilizing the existing access control settings*

*As recited, this element of the independent claims requires "checking" for existing access control settings, and "setting" access controls for the communication program being installed. Duffy neither teaches nor suggests these steps of the present invention.*

Examiner respectfully traverses because of the following reasons:

As illustrated by Duffy at FIG. 1, client 14 includes retrieve module 18, rate module 20 and screen module 44 (Col. 4 Lines 20-34). Retrieve module 18 uses different protocol, e.g., HTTP, FTP, Gopher, to retrieve a document from network 16, and the retrieved document is rated by rate module 20 (Col. 3, Lines 35-65) based on rate file 24 as *access control setting* (FIG. 3, Col. 7, Line 29-Col. 8, Line 24). As shown at FIG. 4, retrieve module 18 communicates the document address, either an IP or non-IP address, to screen module 44. If address is non-IP, e.g., URL address or email address, and if the address has been rated, document rating in rate file 24 as *existing access control setting* is used to check document rating with user rating. Granting or denying access as

*setting access control* is determined at box 312 and 316 based on the process of checking at box 310 via rate file 24 as *existing access control setting* (Col. 8, Line 24-Col. 9, Line 6).

The question is the process of screening should apply when a communication program is installed at the client. The answer is yes, because:

- (1) retrieve module 18 and screen module 44 are different modules;
- (2) retrieve module contains a set of different communication programs, e.g., HTTP, FTP, Gopher...
- (3) regardless of a protocol is used to retrieve a document, the document has to be screened by using rate file 24 before access control is set.

Thus, in real life scenario, if a communication program is not in the client and lately installed, e.g., Gopher, and used to retrieve a document, checking access control and setting access control as discussed above is processed as usual, because access control is based on rate file 24, and applied to all communication programs.

- As argued by applicants at pages 1 and 2:

*such a modification of Duffy is not consistent with the operation of the Duffy system. Instead, client 14 is not updated when a new communication program is installed on the computer.*

...

*Access controls within the individual communication programs are not modified or accessed by any part of the system or methodology taught by Duffy. Duffy teaches an independent system of rating and screening documents from the actual communication systems used to retrieve the documents.*

...

*If a communication program is being installed on computer 50 nothing within client 14 interacts with the communication program to set its access controls.*

Examiner respectfully traverses because the system is consistent and operable if a protocol is lately installed as discussed above. Additionally, there is no need of modifying access control within the individual communication program because *access controls within the individual communication programs are not modified* is not required in the claimed invention.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 6, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffy et al. [USP 5,911,043].**

Regarding to claims 6, 13 and 20, Duffy teaches a system and method of providing an automated rating to a wide variety of access technologies used in a global computer network like the Internet.

As shown in FIG. 3, document ratings 202 illustrates sex and violence rating categories, and may include other rating categories, such as profanity, racism, nudity, and others. Category rating 210 corresponds to a range of numerical ratings 208 and designates different *content label categories*, such as early childhood [EC] for the youngest viewers; kids to adults [KA] for everyone six years and over... (Col. 7, Lines 42-61). In short, the technique as discussed performs the claimed *obtaining content label categories at the data processing system that present a unique label identifying the type of content for each respective category of a plurality of categories*.

Duffy further discloses a screen module for preventing inappropriate retrieval of information based on user ratings as in FIG. 4. User ratings correspond to the rating categories, e.g., sex, violence, profanity, of document ratings (Col. 5, Lines 8-12), and can be associated with a user name, password of the user of client 14 (Col. 6, Lines 36-40). The screen module 44 determines if the retrieved document ratings are greater or smaller than the user ratings in order to grant or deny access to a document (Col. 8, Lines 43-52). As seen, the user rating as associated user restrictions at the data processing system defining at least one user's access privileges to each respective category of the plurality of categories and will be compare with category ratings as content label categories. Or in other words, the technique as discussed indicates the

step of *obtaining associated user restrictions at the data processing system defining at least one user's access privileges to each respective category of the plurality of categories as a function of the content label categories.*

Referring back to FIG. 3, the category ratings as *content label categories* and user rating as *associated user restrictions is distributed to each of a plurality of communications programs within the data processing system, wherein at least two of the communication programs employ different communication protocols* (Col. 2, Lines 13-20 and Col. 8, Lines 6-24).

As shown in FIG. 4, retrieve module 18 uses different protocol, e.g., HTTP, FTP, Gopher, to retrieve a document from network 16 (Col. 3, Lines 35-48). Retrieve module 18 communicates the document address, either an IP or non-IP address, to screen module 44. If address is non-IP, e.g., URL address or email address, and if the address has been rated, document rating is used to compare document rating with user rating. Granting or denying access as *setting access control* is determined at box 312 and 316 based on the process of comparing. As seen, granting or denying access as *access control* is *set* for different protocols as *at least two of the communications programs within the data processing system that employ different communications protocols* based on the comparing process *a function of* document rating contains *content label categories* and user rating as *associated user restrictions.*

As shown at FIG. 4, retrieve module 18 communicates the document address, either an IP or non-IP address, to screen module 44. If address is non-IP, e.g., URL address or email address, and if the address has been rated, document rating in rate file 24 as *existing access control setting* is used to *check* document rating with user rating.

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Granting or denying access as *setting access control* is determined at box 312 and 316 based on the process of checking at box 310 via rate file 24 as *existing access control setting* (Col. 8, Line 24-Col. 9, Line 6).

Duffy does not explicitly teach the step of checking existing access control setting, and setting access controls utilizing the existing access control setting is applied *during installation of a communication program subsequent to setting access controls for each communications program within the data processing system as a function of the content label categories and associated user restrictions.*

However, in real life scenario, after *setting access controls for each communications program within the data processing system as a function of the content label categories and associated user restrictions* as discussed above, if a communication program is not in the client, obviously, can be installed, e.g., Gopher is not in the client and installed into retrieve module. After the installation, Gopher is then used to retrieve a document. Checking access control and setting access control as discussed above is processed as usual, because access control is based on rate file 24, not the communication program.



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HUNG Q. PHAM** whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **JOHN E. BREENE** can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HUNG Q PHAM  
Examiner  
Art Unit 2162

May 20, 2005



SHAHID ALAM  
PRIMARY EXAMINER